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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 ROSA ESTER BRIZUELA, individually, and  
11 as the appointed special administrator of the  
estate of ROLANDO ANTONIO BRIZUELA,

12 Plaintiff,

13 vs.

14 CITY OF SPARKS; CITY OF SPARKS  
POLICE DEPARTMENT; ELI MAILE;  
15 BRIAN SULLIVAN and DOES 3 - 10,  
inclusive,

16 Defendants.  
17

Case No. 3:19-CV-00692-MMD-WGC

**STIPULATION AND PROPOSED**  
**ORDER FOR SIXTY-DAY STAY**  
**PENDING COMPLETION OF**  
**INVESTIGATION**  
(First Request)

(LR IA 6-1)

18  
19 COMES NOW Defendant CITY OF SPARKS (Defendant), together with Plaintiff ROSA  
20 ESTER BRIZUELA, individually and as the appointed special administrator of the estate of  
21 ROLANDO ANTONIO BRIZUELA (Plaintiff), by and through their respective counsel, and  
22 hereby stipulate to stay all deadlines in this matter for a period of sixty (60) days. This Stipulation  
23 is based on the following Memorandum of Points and Authorities and all papers and pleadings on  
24 file in this matter.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 This case arises from an officer-involved shooting involving police officers employed by  
3 Defendant and Plaintiff's husband, Rolando Antonio Brizuela (Brizuela), which resulted in  
4 Brizuela's death. Reno Police Department (RPD) is leading the investigation of the shooting  
5 pursuant to the Regional Officer-Involved Shooting Protocol, but RPD's investigation is not yet  
6 complete. Once RPD's investigation is complete, RPD will provide its investigation to the Washoe  
7 County District Attorney (WCDA) for review. After the WCDA reviews the investigation, the  
8 WCDA will determine whether the shooting was justified or, alternatively, whether to initiate  
9 criminal proceedings against the officers involved in the incident.

10 This Court has discretion to stay civil litigation pending completion of a related criminal  
11 investigation or criminal proceedings. *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324  
12 (9th Cir. 1995). Such a decision "should be made 'in light of the particular circumstances and  
13 competing interests involved in the case.'" *Id.* (quoting *Fed. Sav. & Loan Ins. Corp. v. Molinaro*,  
14 889 F.2d 899, 902 (9th Cir. 1989)). Relevant circumstances include "the extent to which the  
15 defendant's fifth amendment rights are implicated," the burdens or prejudice the delay or  
16 proceedings will impose on the parties, "the convenience of the court in the management of its  
17 cases," and the interests of the public and nonparties. *Molinaro*, 889 F.2d at 902-03 (internal  
18 quotation marks omitted).

19 Until RPD finishes its investigation and the WCDA determines whether to initiate criminal  
20 proceedings, the officers' participation in this civil matter will be constrained because their Fifth  
21 Amendment rights are implicated. In addition, RPD's report is not yet available to the Parties  
22 because the investigation remains pending. The unavailability of RPD's report will hinder  
23 Defendant's ability to respond to the Complaint and all Parties' ability to meaningfully participate  
24 in discovery. Further, the Parties do not anticipate that any current or future party to this action  
25 will be prejudiced if this matter is stayed for sixty (60) days.

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1 Therefore, in order to provide additional time for RPD to complete its investigation and the  
2 WCDA to determine whether to initiate criminal proceedings, the Parties stipulate to stay all  
3 proceedings and deadlines in this matter for sixty (60) days.

4 PETER GOLDSTEIN LAW CORP

CHESTER H. ADAMS  
Sparks City Attorney

6 By: /s/Peter Goldstein  
PETER GOLDSTEIN  
Attorney for Plaintiff

By: /s/ Alyson L. McCormick  
ALYSON L. McCORMICK  
Assistant City Attorney  
Attorneys for Defendant City of Sparks

9 IT IS SO ORDERED.

10 

12 UNITED STATES DISTRICT JUDGE

13 DATED: 12/20/2019

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that I am an employee of the Sparks City  
3 Attorney's Office, Sparks, Nevada, and that on this date I served the foregoing document(s)  
4 entitled **STIPULATION FOR SIXTY-DAY STAY PENDING COMPLETION OF**  
5 **INVESTIGATION** on the persons set forth below by:

- 6 ☒ Case Management/Electronic Case Filing (CM/ECF) and/or;  
7 ☐ Placing an original or true copy thereof in a sealed envelope placed for collection and  
8 mailing in the United States Mail, at Sparks, Nevada, postage prepaid, following ordinary  
9 business practices, and/or;  
10 ☐ Personal Delivery, and/or;  
11 ☐ Facsimile (FAX), and/or;  
12 ☐ Federal Express or other overnight delivery, and/or;  
13 ☐ Reno/Carson Messenger Service.

14 If physically delivered, each is addressed as follows:

15 Peter Goldstein  
16 PETER GOLDSTEIN LAW CORP  
17 10785 West Twain Avenue, Ste. 230  
18 Las Vegas, Nevada 89135  
19 [peter@petergoldsteinlaw.com](mailto:peter@petergoldsteinlaw.com)

20 DATED this 18<sup>th</sup> day of December, 2019.

21 /s/ Roxanne Doyle

22 Roxanne Doyle  
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